

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

ALEJANDRO GARCIA-IZAZAGA,)	
)	
Movant,)	
)	CIVIL ACTION NO.
v.)	5:19-CV-073-C
)	CRIMINAL NO.
)	5:17-CR-100-01-C
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Movant's claim that counsel provided ineffective assistance by failing to file a notice of appeal should be denied.¹

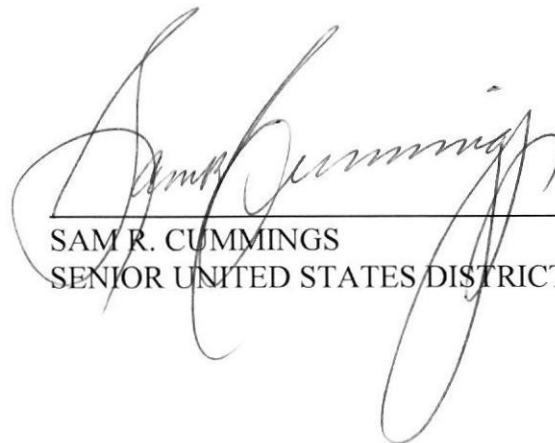
The Court has reviewed the Findings, Conclusions, and Recommendation for clear error and finds none. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the Court hereby **ORDERS** that Movant's claim that counsel provided ineffective assistance by failing to file a notice of appeal be **DENIED** and that Movant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody be **DISMISSED** with prejudice.

Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability is denied. For the reasons set forth herein,

¹ Movant has failed to file objections to the Magistrate Judge's Findings, Conclusions, and Recommendation and the time to do so has now expired.

Movant has failed to show that a reasonable jurist would find: (1) this Court's "assessment of the constitutional claims debatable or wrong," or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED this 10th day of August, 2020.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE